

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

STAR CLAXTON and DENNIS CLAXTON,

Plaintiff,

v.

CASEY’S RETAIL COMPANY,

Defendant.

Case No. 3:22-cv-1213-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on a Casey’s General Stores, Inc. (“Casey’s General”) Motion to Dismiss Plaintiffs Star Claxton and Dennis Claxton (“Claxtons” or “Plaintiffs”). This is a negligence case as a result of a slip and fall of Ms. Claxton at a convenience store located in Marion County, Illinois.

Plaintiffs initially filed this action against Casey’s General (Doc. 1). Casey’s General then filed a motion to dismiss on the basis that Casey’s General conveyed the property where Ms. Claxton fell in 2004 to Casey’s Retail Company and was therefore the incorrect entity in this case. Casey’s General’s motion indicates that Casey’s General is the incorrect defendant, the correct entity is Casey’s Retail Company, and under Illinois law a grantor of real property is not liable for damages sustained. In response, Plaintiffs requested leave because it had learned that the name of Defendant was Casey’s Retail Company. The Court granted the motion and allowed Plaintiffs to file a First Amended Company (“Amended Complaint”). Plaintiffs filed its Amended Complaint naming the correct entity, Casey’s Retail Company, as defendant (Doc. 14).

Finding that the correct entity is now named as Defendant, the Court **FINDS AS MOOT** Casey General Stores, Inc. Motion to Dismiss (Doc. 4).

**IT IS SO ORDERED.**

**DATED: October 25, 2022**

/s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**U.S. DISTRICT JUDGE**